

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION, COLUMBUS**

WILLIAM SUNDERMEYER,

Plaintiff,

vs.

OHIO EDUCATION ASSOCIATION,

and

OHIO EDUCATION ASSOCIATION
MANAGEMENT EMPLOYEES PENSION
PLAN.

Defendants.

CASE NO. 2:12-CV-959

JUDGE MICHAEL H. WATSON

MAG. JUDGE ELIZABETH P. DEAVERS

AMENDED STIPULATED CONFIDENTIALITY AND PROTECTIVE ORDER

Pursuant to the stipulation of the parties, by and through their respective counsel, IT IS
HEREBY ORDERED as follows:

- (1) This Stipulated Protective Order governs the use of information and documents produced through discovery or identified as part of the Administrative Record in the above-referenced action.
- (2) The parties agree that they shall use Confidential Documents and Confidential Information, as described below, only for the purposes of preparing for and conducting litigation proceedings in this action, and only in the manner prescribed herein.
- (3) "Confidential Documents" shall include, but shall not be limited to, any document, material or thing which contains Confidential Information and which any producing party designates as "Confidential" at any time and in any manner set forth in any part of this Stipulated Protective Order. All documents, information or materials designated "Confidential," in accordance with this Stipulated Protective Order by any party to this litigation or by any producing party shall be treated as Confidential for the purposes of, and pursuant to, this Stipulated Protective Order.
- (4) "Confidential Information" may include, but shall not be limited to, any personal private information, financial information, or any information maintained by the Ohio Education

Association on any current or former employees or current or former participants of an OEA Pension Plan.

(5) Any party may object to the designation of particular material as Confidential by giving written notice to all other parties. Such written notice shall identify that material to which the objection is directed and the basis for the objection. If the parties are unable to resolve their differences within fourteen (14) days of the time the notice is received, the objecting party may file an appropriate motion requesting that the Court order that the disputed material shall not be subject to the protection of this Order. The designating party shall have the burden of establishing the confidential nature of the material. The disputed material shall remain subject to all terms of this Stipulated Protective Order until the parties agree or the Court rules otherwise.

(6) The parties will, in a manner that will not interfere with the legibility of such documents, place or affix to each document produced pursuant to this Stipulated Protective Order an imprint or legend, "Confidential – Subject to Protective Order."

(7) All documents produced pursuant to this Stipulated Protective Order shall not be copied or reproduced in any form, and the content and substance thereof may in no way be shown, divulged or otherwise communicated to any person or entity, except for the witnesses or consultants employed or retained by the parties, their legal counsel and necessary staff employees thereof, or their representatives, in connection with this specific litigation and for no other purpose.

(8) Counsel making disclosure to the witnesses or consultants employed or retained by the parties, their legal counsel and necessary staff employees thereof, or their representatives, in connection with this specific litigation shall advise any such person or entity of the express terms of this Stipulated Protective Order, and shall provide such person or entity with a copy if he or she so requests.

(9) Counsel for the parties shall maintain a complete list of all persons or entities who receive or who are shown documents produced pursuant to this Stipulated Protective Order by said counsel and, if requested, shall provide this list to the other parties' counsel at the conclusion of this litigation.

(10) In the event confidential information (including but not limited to documents produced in discovery or which have been designated as part of the Administrative Record) is incorporated into a Court filing or proceeding, the filing Party shall move for leave of Court to file the evidence with the Clerk of Court under seal. No document may be filed with the Court under seal without prior permission as to each such filing, upon motion and for good cause shown.

(11) At the conclusion of this litigation, whether by dismissal, settlement, order of this Court, or otherwise, upon the request of the producing party, all documents produced pursuant to this Stipulated Protective Order shall be returned to counsel for the producing party.

(12) This Court shall retain jurisdiction following the termination of this action for enforcement of the provisions of this Stipulated Protective Order and any orders entered pursuant to this Stipulated Protective Order.

(13) Nothing in this Stipulated Protective Order shall be deemed to preclude the admission into evidence of this case the documents subject to this Stipulated Protective Order, and the parties herein have reserved all rights to seek admission into evidence of such information, or to object to the admissibility of such materials, subject to the terms of this Stipulated Protective Order.

IT IS SO ORDERED.


United States Magistrate Judge

DATED: Nov. 4, 2013

STIPULATED TO:

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